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E-FILED: December 22, 2009

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

<b>In Re:</b>	)	<b>Case No. BKS-07-17069-LBR</b>
	)	<b>Chapter 13</b>
	)	
	)	
<b>William C. Boyle and Cynthia A.</b>	)	<b>Hearing Date: January 15, 2010</b>
<b>Bittner,</b>	)	<b>Hearing Time: 10:30 AM</b>
	)	
	)	
<b>Debtor(s).</b>	)	
_____	)	

**DEBTORS' OPPOSITION TO MOTION FOR**  
**RELIEF FROM AUTOMATIC STAY AND/OR REQUEST FOR RENOTICING**  
**UNDER NRS 107.080 (AS REQUIRED UNDER NEVADA ASSEMBLY BILL 149**  
**EFFECTIVE JULY 1, 2009)**

COME NOW, William C. Boyle and Cynthia A. Bittner, by and through attorney, George Haines, Esq., of the LAW OFFICES OF HAINES & KRIEGER, LLC, and in response to **WELLS FARGO BANK, N.A.'s** ("Creditor") Motion for Relief from Automatic Stay states as follows:

1. On October 29, 2007, Debtors filed the current Chapter 13 Petition in Bankruptcy with the Court.
2. Debtors' Amended Chapter 13 Plan Number 2 provides that Debtors would continue to make direct payments to Creditor, while under the protection of the automatic stay of the Bankruptcy Court.

3. The Amended Chapter 13 Plan Number 2 also provides for all pre-petition arrears and the post-petition payments for November, 2009 and December, 2009 (*See Amended Chapter 13 Plan Number 2 attached hereto as Exhibit "1"*).

4. After the Debtors' Petition in Bankruptcy was filed, Debtors fell behind with post-petition payments due to the six week hospitalization of William Boyle as well as the loss of Cynthia Bittner's mother.

5. On or about December 08, 2009, Creditor filed a Motion for Relief from the Automatic Stay.

6. Debtors believe the post-petition arrears listed in the Motion for Relief from Automatic Stay are inaccurate. According to the Debtors' proof of payments, they are two payments behind (*See proof of payments attached hereto as Exhibit "2"*).

7. Debtors believe the payment amount indicated in the Motion for Relief from Stay is also inaccurate (*See Notice of Mortgage Payment Change attached hereto as Exhibit "3"*).

8. Debtors request the Creditor provide a transaction history to assess the status of the Debtors' account and to ensure that the payments have been applied properly.

9. Debtors believe that the asset securing WELLS FARGO BANK, N.A.'s claim is necessary to the Debtors' effective reorganization.

10. Accordingly, Debtors request Creditor's motion be denied or in the alternative requests this Court Order an adequate protection order be compelled.

11. In the event this Court is inclined to grant secured Creditor's request for relief from the automatic stay, the Debtors requests that Your Honor require Secured

Creditor to renote any pending foreclosure action under NRS 107.080 (as revised by Nevada Assembly Bill 149, effective July 1, 2009) by this Creditor to the extent applicable.

12. Pursuant to NRS 107.082 if a foreclosure “sale has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 107.080.” NRS 107.080 (as revised by Nevada Assembly Bill 149 effective July 1, 2009) requires Secured Creditor to provide Debtors a notice of election to enter into court mandated mediation.

WHEREFORE, Debtors request:

1. WELLS FARGO BANK, N.A.’s Motion be denied; and/or
2. In the event Your Honor grants relief from stay, that Secured Creditor be required to renote its foreclosure proceeding pursuant to Revised NRS 107.080 (as effective through Nevada AB 149, July 1, 2009), thus providing the Debtors an opportunity to elect court mandated mediation in State Court.
3. Such other relief as the Court finds appropriate.

Dated: December 22, 2009

/s/ David Krieger, Esq.  
**Attorney for Debtors(s)**

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**CERTIFICATE OF MAILING RE:**  
**DEBTORS' OPPOSITION TO MOTION FOR**  
**RELIEF FROM AUTOMATIC STAY**

I hereby certify that on December 22, 2009, I mailed a true and correct copy, first class mail, postage prepaid, of the above listed document to the following:

/s/George Haines, Esq.  
Attorney for Debtors

Gregory Wilde  
208 S. Jones Blvd.  
Las Vegas, NV 89107